

**City of Bloomington
Telecommunications Council
Minutes**

October 7, 2008
Common Council Chambers
City Hall at the Showers Building
401 N. Morton St.

I. Introductions & Roll

- * BTC Members: Carl Zager, Eric Ost, Suzann Owen, Jesse Stryker, Duane Busick
- * Invited Guests: Michael White (CATS), Phil Mayer (WTIU),
State Representative- Matt Pierce, Monroe County Commissioner – Iris Kreisling
Monroe County Emergency Management Director – John Hooker
- * City Staff – Rick Dietz, Justin Goodwin, Vickie Renfrow

II. Approval of Minutes

August minutes approval – Motion made by Duane to accept. Second by Suzann,
Motion passed.

September minutes- Suzann motioned to waive passing the minutes until November.
Second by Jesse. Motion passed.

III. Public Comments and Reports

No public comment
Reports

CATS – Michael White

Programming – 35 governmental meeting this month

13 questions about 9/11 evening with Ray Griffin

Public Request to cover meetings MCPL work sessions

Monroe Cty Council Personal Administration Committee

Information meeting on ramifications of House Bill 101

Bloomington Pecoil Taskforce from Shower Hooker Room

Music coverage of Wilderness Plots

Monroe Cty. Budget Hearings

Tuesday Tales – Library Children's Department

INDOT public hearings about SR 45

3rd Thursday Lecture- Monroe Cty History Center

Photo coverage of Bloomington Soul Food Festival

Theater coverage of "Last Call" a fundraiser of WFHB

Youth Nutrition, Physical Activity, a Realistic Plan

Romeo & Juliet – Bloomington Playwrights Project

IVY Tech played host to the League of Women Voters

Candidate forum for Monroe Cty. Council & Commissioners

Whose Water is it Anyways? The Unitarian Church

League of Women Voters candidate forum for

MCCSC & RBBCSC School Board Candidates

Notes:

CATS won 3 Philo T. Farnsworth Awards, as did Batchelor Middle School. Who won 13 of these Philo T. Farnsworth awards, out of 20 categories. A thanks to all the CATS production folks for a great job, as well as Jeff Ridkin and his students.

Budget hearings mentioned last month, the Monroe Cty. Council and Commissioners were finally able to hit the 50% franchise funding threshold that we were requesting since 1999, from the municipalities that contribute to operation of CATS. The city has been there since the beginning. We began working with Ellettsville in 2001. They also contributed 50% of their franchise revenue. We finally hit that mark for the county. We'd like thank the members of the county council and county commissioners. We will do a lot with the money. We are working on some cooperative projects with community radio WFHB.

Linen Beasley, a prolific local producer just passed a benchmark of 100 programs this last month.

Adam Stillwell program manager, a quick hello to him and his wife Beth who just had a child.

A shout out to, Adison running the front desk, thanks for keeping all 5 channels running.

Questions:

Duane

Candidates on Demand, How is that coming?

Michael

We just finished the last one on 10/6. Martin O'Deal, production manager, and Eric Ost are working on putting everything together for the website. Candidates of Demand should be up and running by the 15th. Eric has also been working on renovating the streaming and archive site. It is a much more functional design. Hoping the two can dove tail at the same time. So folks coming to look for Candidates on Demand can also have a much more user friendly site for accessing public meetings.

Duane

I think with all the interest in the national election, its time our focus to the local election too, the sooner the better.

Jesse

I still see a rather large server hits. Was this ever resolved?

Michael

No, Eric handles that for us. It's still a bit of a mystery. I'd like to think they are all real. It may be down a bit.

IV. Proposed Agenda

Carl

Discussions of the issues surrounding the passage of the House Enrolled Act 1279- the State Video Franchise Act.

5 Issues to be addressed:

- A. Relationship of our local governments in particular the City of Bloomington but in general other governmental groups in Monroe County to the Indiana Regulatory Commission and the oversight of the video franchise holders.
- B. Availability of citizen input to/ with the video providers and/or the Indiana Utilities Regulatory Commission (IURC) in regards to service, billing, repair, and programming or offerings.
- C. Concerns about system overrides for local emergencies, and nationally declared emergencies.
- D. Concerns
One of the things that makes the Bloomington Cable System and by extension the Monroe County Cable System, one of the premier systems in the state of Indiana is the presence of six PEG channels (Public, Education, Government channels). Channels that all video providers are to carry under HEA Bill 1279, we have concerns on whether or not video providers are carrying those channels. As well as concerns about where those channels might be carried in terms of with the relationship with provider.
- E. Any other concerns that may arise.

Those guests that were specifically invited to this meeting:

- State Representative – Terry Goodin
- State Representative – Matt Pierce
- State Representative – Peggy Welch
- State Representative – Brant Steele
- State Senator – Vi Simpson
- Monroe County Commissioner – Iris Kreisling
- Monroe County Commissioner – Joyce Poling
- Monroe County Commissioner – Pat Stoffers
- Monroe County Emergency Management Director – John Hooker
- Director of Central Dispatch for the City of Bloomington – Jeff Shimmer
- Hotline Reporter from the Herald Times
- CATS Representative – Michael White
- WTIU Representative – Phil Mayer
- Comcast Representative – Wendy Henry

I request suggestions from the members of the council as to how to proceed.

Suzann

I think we should go over the specific topics, and then invite those people to speak for whom that is relevant, as opposed to each person getting up and covering everything.

Carl

Is the council comfortable with that? Everyone agreed. Which topic should we begin with?

Suzann

Stick with the order outlined on the agenda, first being the relationship with local governments to IURC.

Issue A – Relationship of local government to the IURC

Matt Pierce

State Representative for District 61, which includes Washington Township, Bloomington Township, and half of Perry Township here in Monroe County. I just want to be a resource to answer questions from you about state government and what IURC is doing as best as I can determine. I have a great interest in these issues. I have been tracking them and trying to make what I personally think is a terrible bill, at least function a little bit better, and have had little to no success. On the issue of city or customer relationship to the utility commission, the statute was written in a way to try to neuter the IURC as much as possible when it comes to regulating video service providers. They have given IURC very limited jurisdiction on customer's service issues. I recall the utility commission did adopt the FCC customer service standards, at least stated that they would enforce them. In 1992, a law was passed by Congress that among other things told the Federal Communications Commission to create customers service standards and then they gave authority to local franchising authorities, which at the time was the City of Bloomington to by ordinance or by rule to adopt them and enforce them at the local level, and that's what the city had been doing. With the passage of the de-regulation bill, the franchise authority moved from local government to the state utility commission. Now if you have a local franchise authority which in this case is the state enforcing the customer service standards that the FCC put down the state needs to step forward and do that, and that would be the utility commission. The kind of customer service standards they have in there are: If you have an outage for longer than 24 hours, you have to get a credit; suppose to answer within so many minutes; they can't be on hold for so long. There are some very practical customer service standards that were put in place based on complaints that were received in the early 90's, about interacting with the cable companies. The IURC needs to be pushed to adopt or whatever they need to do to enforce the FCC customer service standards on behalf of the customers in this state.

Suzann

Do you have any reason to believe the IURC is feeling that this may be something hard for them to get their arms around, the whole bill the way it is now actually is in their lap? Our discussions with them seem to have indicated that, do you have the same indication?

Matt

My impression is because legislation gave them so little direct or specific authority to enforce provisions, they feel like they are in a bit of a grey area. I think also there is lack of enthusiasm for doing anything. The fact of the matter is there are not really that many people on Indianapolis pushing them to get on this issue.

Suzann

Would you consider that to also be the case on modifying this legislation in any way?

Matt

Clearly, there is a real pride of authorship in this bill. There are people lying in wait in the senate where if you try to adjust bill -- not to roll back the philosophy of the bill but to just tweak it to make actually function the way people thought it would function -- people are very protective of not making any changes to it. What would have to happen, you would have to have a significant amount of people from around the state contacting their legislator saying this is an important issue, to get the bill moving. From a political strategy standpoint, if one were to focus on the emergency override issue that would be the one the legislature can understand as a most significant issue. If you got a bill going, addressing that issue, you might be able to get a few other things attached to the agenda. We can make absolutely clear that customer service standards can be enforced by the commission, and direct them to do so. Set up a system so customers have some place to go to, and then address the PEG statutes that have been going on for 2yrs.

Suzann

At the time of legislation there seemed to be no understanding of the PEG channels because so few communities had them, and I presume that would be extremely hard to mustard any broad scale support for.

Matt

That is a problem, because obviously if a legislator has a bill coming forward or hears about this controversy, and goes back to local officials and they say we don't have PEG, or use very little. They don't care, and it's not going to be high on their list. However, I do think Ft. Wayne, Indianapolis; bigger communities that have PEG channels have them complain to legislators but also get Association of Cities and Towns as well as the Association of Counties to put that on their agendas of legislative things.

Suzann

Association of Cities and Towns supported this original legislation?

Matt

They started off opposed to it.

Suzann

But once they were told they'd have the franchise fees they liked it.

Carl

Do the local governments have any standing anywhere in this legislation?

Matt

The legislation generally contemplates the former franchise authorities would be the one to most likely complain about things like franchise fees not being paid properly if that would be the case, or the few things that the state franchise law requires. Now for what it specifically says, local government you can do this. It is in there a few places. It does not view them as being administrators of this process.

Carl

You did say that you thought the framers of the bill envisioned some role? Was there any discussion as to what that role might be other than red lining comments in the franchise? You had

a committee that met in the last month, was there not a reference from IURC to their discussions with local government?

Matt

There are a few places for example they told new video providers that when you came into a community after receiving your state certificate that you must give 10 days notice to local government before coming into that community. They must have thought that local government units needed to be in the loop. They also made clear that video service providers have to follow the general rights of way statutes and permitting of units of local government. But nothing that would say local governments, you are a partner in this process of franchising video service providers. They were really sending a message that local governments are an impediment. We want you out of the way except when we recognize that there are few things you have an interest in like PEG channels, and franchise fees.

Issue B – Availability of citizen input

Carl

The availability of citizens input to/with video providers and/or the IURC in regards to service, billing, repair, and offerings. Rick Dietz you have been providing us with a record of the citizen complaints to the IURC. Have you got a feel for how simple or complicated that is?

Rick Dietz

Yesterday, I received the newest version of those reports. As discussed the last meeting, it was characterized that there being next to no video service complaints in the list and nothing tied to our community.

Suzann

I did do a sort on there by zip code. There is a separate sheet for video. In Monroe County zip codes (47401-47408) there were 11 complaints. Three on channel availability, those most resent re-assignment of Comcast services. None of them involve ATT. Three complaints were about high bills, and one on response time. They are fairly routine. Right now with the shift in re-assignment there is a little more displeasure among customers of Comcast.

Rick

We have had a couple of reports pass thru the office that I have forwarded on to you. They are traditional complaints about channels moving around, not issues that were specific to PEG or the franchise.

Eric

How many total statewide?

Suzann

168 total dealing with video statewide.

Eric

We recognize that these are non-trivial number of inquiries and complaints to the IURC, not that there aren't more.

Suzann

I still don't think they are considering the amount of subscribers statewide that is a considerable number.

Carl

I think the question of how many complaints there are is a two edged sword. If there are few complaints it may be because everything is going okay, or there may be trivial amount of complaints because people don't understand how to complain, or they have given up on complaining. How do you evaluate based on numbers?

Eric

In the context if what we have heard, the IURC has no enforcement ability or isn't willing to do so then people may feel like why complain.

Suzann

They have no enforcement authority and no jurisdiction over channel placement, or rates. They can deal with response time. Combined complaints are 635 for all utilities.

Carl

Those are the numbers! Do we have a sense of how local citizens let it be known that they are unhappy with the service or issues involved with video providers? Do we have a feel for how that process takes place?

Rick

It calls for a multi-faceted approach. Many issues being reported aren't covered under IURC jurisdiction. On programming issues your remedy is to communicate with the provider or to exercise your freedom of choice within the market and select another provider. Also to use public forums.

Carl

When a subscriber complains to other public works or the telecom council we have been directing them to the IURC, as well as notifying them that we will address the issues too.

Duane

We also request that they contact their local service provider.

Suzann

People who contact us, have already contacted there service provider and have reached high levels of frustration, because they can get no satisfaction. They are not given answers.

Duane

Channels being moved are an economic issue. They are vacating channels to move channels to digital which cost more money. It is making these channels available for the reasonable price spelled out in the franchise agreement.

Suzann

Even though names are included with complaints, I don't see the names of people whose complaints we have forwarded on to the IURC. There is a failure of follow thru.

Eric

There has been no replacement for CSPAN2 so they are basically empty channels.

Suzann

They are clearing our analog channels, putting them over for the availability of HD channels.

Carl

How different is what has occurred within the last 18 months, from how this same issue would have been handled two years ago? Is there a difference? If two years ago, Insight would have reported to the telecommunications council that they were moving CSPAN from the basic tier to a subscriber tier, would either the council or commission have any authority to do anything about it?

Duane

No control!

Suzann

At that time, the local ranking executive for the company was a part of those public conversations. At the present time, there are no discussions other than what we read.

Duane

The cable provider was mandated to attend the meeting or face fines for not attending. There was an open line of communications that was built into the franchise agreement. That is the biggest thing to have changed in the last twenty months.

Carl

The action of the video provider is not essentially any different than it could have been two years ago.

Duane

The consequences of having a public forum and a debate on whether this was a good action or not, we don't have that capability anymore.

Suzann

I think we must factor in the change of ownership of the local service because I believe we are seeing a different corporate philosophy from Comcast than we did from Insight. The marching orders that come from on high to the local office are much stricter.

Iris Kreisling

I think Suzann is right. Insight was much more positive about working with us. Comcast is a corporate giant that doesn't care, and that's what I hear. I thought at one time we did have some leverage of when there was a serious change. I don't see that at all right now. I remember receiving a letter thru the office about them changing some channels but Comcast never contacted the commissioner's office. I have no idea what we are getting until I ask for it. The franchise people are supposed to come thru our office. Does the public know that they need to thru the IURC?

Matt

One thing that was very different under the old franchise and the authority that local government had compared to the state was when there was a transfer of control, a sale of a system. The Federal law gave the local franchise authority (the city or county) if they wish to exercise it, the right to

approve any transfer of control of a system if you put it in your franchise agreement. This happened when Insight took over for TCI, we had to approve the change. We had a significant amount of leverage and bargaining power. The CEO personally came from New York to visit. Things were explained to him about what was not like about TCI, what changes needed to be made, and what employee's were doing a great job but were stuck. Insight was willing to make changes and the transfer was approved. Customer service improved remarkably. Now 10 years later, Comcast decides to reclaim the system from Insight, based on some contract from 15 years ago. The legislator put in this law that everything automatically transfers. No oversight, no review, no discussion about channel line-ups or anything else. The IURC has jurisdiction if they choose to exercise it. Even though the legislature didn't say here is your power. If you look at the law, when ATT made their application to be a video service provider and get the state certificate under the statute. They had to file a sworn affidavit affirming to the IURC, that they agreed to comply with all the federal and state statutes, rules, and regulations applicable to the operation of the applicant's video service system. When the IURC grants authority, within 15 days they are to put the rubber stamp on this application saying that you can be a cable provider in Indiana. When they put that stamp of approval on there, the statute says they have to put in that certificate some requirement, a very limited requirement that states the authority granted under sub divisions one and two in the law is subjected to the holders lawful provision and operation of the video service. One thing that could be done is that the city or county could file a complaint saying that the service provider is not in compliance with the law and under the terms of the statute they have affirmed to be in compliance with the law. The statute specifically states that the certificate is only good if they follow the law, and therefore the IURC, you have to do something.

Eric

So then is the IURC required to do that, in other words can you write a state law that has no enforcement provisions?

Matt

I believe the utility commissioners wanted to based on their own motion, meaning they figure it out on their own, or based on someone complaining. If they feel a video certificate holder is not complying with state/federal rules, laws, and regulations that they can say you are not living up to your certificate.

Eric

No that is not what I am asking. My question is that formal complaints an initiation of that process? The IURC cannot disregard that. At that point, they are legally required to follow through and make that judgment on whether they are in compliance or not.

Matt

I don't know the answer to that question.

Carl

Did I hear you say that the city could do that?

Matt

Anyone can essentially file a complaint. Our reading of the statute is that the provider as to affirm that they are following the law. The video certificate gives them authority to operate a cable

system but is contingent upon them following the law. The city can say they are not following the law because they are not doing x, y, and z. Therefore, we are filing a complaint and feel that under the law their video certificate should be revoked.

Suzann

That is consistent with what Beth Rhodes told us last year. The city should file a complaint.

Carl

From the beginning, it seems like the IURC didn't want to communicate with the city or with the Telecom council. They only had provisions to take complaints from subscribers. The whole process was geared at the subscriber complaints. Now when we make that suggestion to the subscriber, we do here. Why isn't the city doing something? We are in a bind. Is this essentially a lawsuit?

Matt

When you get in front of the utility commission, it is a very legislative process. There are 5 commissioners that think of themselves as judges, and they have a whole set of rules that are very formal.

Carl

I'm going to make an executive decision here. I think what we have been talking about up until this point are things that are addressed in the bill. There are statements in the bill of how things should happen. One of the things that are not addressed in the bill is the emergency overrides. What I propose to do here is go with one more thing that is addressed in the bill, and then go to the local overrides. I'd like to move the PEG channels up then discuss the local overrides.

C. Concerns about PEG Channels

Matt

If you have a new video service provider like ATT, come into your community. They are obligated under the state law to provide the same PEG channels as were provided by the former provider. For Bloomington, we had 6 channels in place with the old system. So the new person to come has to do 6 too. As you know there is a big dispute over about how they provide it, when they provide it, and nothing is getting done. If your read the section of the law about providing PEG at the end of it, the forum you go to complain to about the law not being followed is to court. You have to file a good old fashion lawsuit. Another approach, you could goes back to my previous point. It the law says you have to provide PEG and your not, and if the law says that in order to qualify for your certificate you have to follow the law. You could argue that the utility commission has jurisdiction under the other section of law to address this issue. To essentially say you are not following the law because you are not providing PEG, and therefore we revoke your certificate.

Carl

Is there not also a federal piece to this?

Matt

Yes, on the issue of whether or not you can put PEG on menu someplace, where people can scroll down and get it. There's an appropriations hearing for the budget of the FCC, and this came up that people had complained. An FCC staff member said, they felt what ATT was doing was in

violation of probably the 1984 cable act and they looked forward to getting a complaint to clarify that point. There is some indication that not making it a regular channel is violation of federal law.

Eric

There is an FCC regulation regarding material degradation of channels as they are carried on the cable systems.

Matt

In the legislature, you have a house commerce committee, a senate commerce committee handling the utility issues. In the summer, the two groups combine into the Regulatory Flexibility Committee. Which if you can imagine was created to reduce legislation in the 80's. It has become the de-facto study committee for utility issues. Each year about this time the IURC issues this omnibus report to them about all the various aspects of the things under their jurisdiction. In the communication section, they talk about the new law a little bit, and the PEG issue. The commission has taken no formal actions with regard to the PEG issues. While the commission received correspondence and met with representative from local units regarding the continuations of the PEG channels and the requirements for the video cable service providers to provide PEG channels, the commission has not receive any formal complain petitions. What they are telling the legislature, we've had people call up and talk to us about it, but no formal complaints filed. Therefore, we haven't addressed it. The chair for the Regulatory Flexibility Committee, Senator Herschman, who is an ardent supporter of this de-regulation bill, asked the question: Recently there was a brouhaha in Washington about these PEG channels and ATT. He asked the IURC about that. The chairman of the IURC repeated what the report said. He said however the most we can do is talk to them sternly because we have no jurisdiction.

City Legal Representative

You could go to the IURC with everything else but the PEG channel issue can only go to court.

Carl

Does ATT have a defense as to whether or not they are providing PEG channels?

Matt

ATT would say the city is not cooperating with us. Then the city would argument would be that no that's not what the law really means. You have to act like the past cable company did. Refusal to do that is refusal to carry PEG. The judge will have to hear all the testimony and arguments and make a ruling.

Carl

Where are we as a city? We've had discussions with the IURC on how to deal with this. They said they would come to mediate, then didn't show up. We as a council had taken the position that we would prefer to mediate. We wanted to meet ATT half-way to see what could be accomplished. The rug was pulled out from under us. It was no we aren't going to talk to you and do it our own way. Our response to that is we haven't done anything. The IT department tries to negotiate. CATS and WTIU have been in discussions with them, but we are not getting anywhere! We need to step up and take some legal action.

Matt

It's been my experience that if you call people's bluff, you get action. If there are just alot of meetings with talking there is no incentive for ATT to move at all. If you suddenly have a

newspaper headline, it is a PR problem. It therefore becomes a legal precedent that could be established, clarifying in the law that in every community in the state they'd have to plug in at their own expense and in a certain way. They will avoid that precedent. They will attempt to work more on a deal. I think the city needs to move forward with some kind of action. Start off slow, and give the IURC a chance to say yes or not about jurisdiction because they are sending mixed messages.

Rick

We have sent a letter to the IURC, with an itemized list of issues we had with the PEG platform that ATT had presented, specifically getting PEG from our PEG delegates to video service providers. The technical hurdles we had, and the burdens they had proposed were placed on us, on CATS, on WTIU, as well as the extension of the library because that is where CATS is housed.

Eric

Those burdens were placed by ATT.

Rick

Yes, that was thier proposal. It has been discussed that it does place a burden in terms of supporting substantial amount of equipment. That burden was placed on us -- the city that wants to deliver the PEG programming to our community -- not on the video service provider where it has been traditionally. If you look back in terms of arrangements to provide PEG programming there was the expectation that the video service provider in some cases supported monetarily the production side of public programming, not just the technical side. We have gone far away from that. We have a handful of quotes on the technical platform that we have proposed. A centralized proposal essentially a meet-point for the video service providers that provide PEG would come and at least shoulder some of the burden of maintaining the equipment. It would help us to comply with the spirit of the state statute, in terms of the expectations that there will be multiple video service providers and we can't expect to house a significant amount of equipment from each provider in each PEG delegate's facility, such as the library. In terms of where we go from here, nothing new has come from the IURC. We were disappointed that they didn't want to take on a mediating role. They (IURC) haven't taken it upon themselves to address that there is something going wrong here.

Carl

With the statistics the commission shared with the committee over the summer, the IURC doesn't consider what we are doing with ATT any formal process at all.

Rick

No.

Carl

Any other questions relating to PEG issues?

Matt

Another thing the Telecom council could do because the Federal government seems to now be getting clued in on the issue of PEG being on a menu. Somehow communicate to the members of congress that we feel this is an important issue and it ought to be covered. You may even consider writing to chairman of the FCC.

D. Concerns about System Emergency Overrides

Carl

We invited John Hooker, Director of Emergency Management for the City of Bloomington, specifically to discuss the role of video service in alerting the community to emergency issues. We have talked about keeping the community informed. There are FCC regulations and federal laws which require all stations, whether cable or broadcast stations to carry national alerts. For a number of years the Bloomington franchise and Monroe County franchise contained a provision where the local central dispatch center could do an override of the cable system to alert the community to local emergencies. None of that is addressed in HE 1279. It is as if the state of Indiana said they would accept whatever the federal government says and that it. No provisions to continue local overrides on cable systems. No provisions to new video service providers to do a local override as coming into a new community. It was rumored, that established video service providers were notifying communities that they were dropping those provisions, apparently the have walked back on it.

John Hooker

Carl you are right. I get many phone calls after a storm where we have had local activation and people have said they got no warning. Those people have video service other then Comcast. Comcast is the only one allowing activation at this time.

Duane

Do you get any thank you's from citizens for having the local overrides?

John

A lot of people appreciate it because they like to know what is going on in the community. Some of them are disappointed they don't get it.

Carl

A committee that several served on met about two years ago and reviewed the whole local override system on the cable and how important having this in place was. It was a very extensive discussion on how valuable this system is, and how important technically it worked. We have continued to struggle with the technical side of it with both Insight and Comcast, and other video service providers not doing it all. The two things that strike me about the importance are two different kinds of emergencies.

1.) Six month ago, we had an alleged sniper who was located between 2nd street and Landmark plaza. Almost immediately central dispatch was doing an override and notifying the city and county to avoid that area, and keeping them apprised of what was going on, with regular updates. They also notified when the situation was handled and what the outcome was.

2.) During the storms, we activated the emergency overrides upon recommendation of the national weather service. If put under a warning, central dispatch will initiate the warning system. But every once in awhile the national whether service is behind us, we do have some locally trained whether spotters that can file a report and once confirmed central dispatch can use the local override. Without local overrides, it would take 10 to 20 minutes before that report is transmitted to the national whether service, evaluated and the emergency override issued. By being able to respond immediately and get that alert out there. I believe emergency management and central dispatch are protecting the citizens of this community. We don't have that on both of our systems. Matt do you believe that could be the one to sell?

Matt

During last session, I did offer an amendment in committee to the telecommunications bill, giving local government the option by ordinance to mandate the emergency override system. I had great support in committee, but then when it came to the floor it could be amended by the senate and the ATT people went to work. It was stripped down by the house floor. I think if others got involved, Association of Cities and Towns, and do a little ground work we could keep an amendment like that in.

Eric

There are requirements as we have discussed for video service providers to provide state and national alerts. ATT filed with the FCC last November a waiver from those requirements and were granted that waiver until July. But it is not evident to any of us, whether they are compliant with that. If they are not complying then that is the category of enforcement provisions that they are in violation of.

Carl

In this part of the state what occurred before ATT was required to do the EAS? Before July 1st? We had the floods. We had local situations that local people needed information and no one could get in on ATT!

Matt

A technical issue with digital, HD channels, is when an override goes off it blanks the screen. The override interferes with the stream of data; you get a blank screen that says signal lost. But if you go to an analog channel there you can hear the dispatch people telling you what you need to know. I wonder if the override system is completely an analog system, and if people with all digital/HD are getting any overrides.

Eric

Every video service provider has a visual and audio notification of that alert, regardless of what channel it is.

Carl

They have to provide it under what law?

Eric

Under Federal law.

Carl

That is only EAS.

Matt

EAS, a civil defense action, the state can delegate down to the local ENS guy to borrow the civil defense system from the FEDS if we have something important enough to get out.

Carl

The law doesn't address the emergency overrides at all.

Eric

The Indiana law says they must fulfill all the FCC requirements and EAS is one of those requirements.

Duane

There is nothing specifying in the law that address emergency overrides.

Carl

John what do you recommend for the city and the county when dealing with emergency alerts?

John

We should have local activation for the local video service providers. So we can get messages out to the community.

Carl

If the City of Bloomington took a position that John outlined and Matt's been talking about would the county go with us.

Iris

I can't speak for everyone, but for me YES.

Carl

At least a presentation could be made to the council or commissioners.

Iris

It would be very important. We need to be able to notify the public.

Suzann

From the county's standpoint, and their telecommunications council, what type of cable penetration is there in the county?

Iris

I don't have a good sense of that right now. ATT is going out there and Smithville is considering it.

Suzann

We have large sections that have no cable service. The Pegasus system at Lake Monroe that doesn't have the override and those that have dish do not either. What is the percentage of rural homes?

Iris

It is pretty far. The whole area right around the city borders is pretty urban.

Suzann

Even if we get all the overrides, we still aren't going to be reaching everyone because the rural areas don't have the cable.

Carl

A warning system has to provide multiple means of notification. The value of local cable override is unique to the cable system.

Suzanne

John in dealing with your counterparts throughout the state, how common is the use of the cable system for notification in other communities?

John

The only one I've talked to is Jackson County. It was when they were told by Comcast that they were going to let go of using the cable system for emergency overrides. That is what got us talking and us very concerned.

Suzanne

My thinking is whether there is a political base for this with other communities. Matt in creating the old local franchise were you aware at all of other communities and how prevalent cable override was used in other places in Indiana?

Matt

No, I really wasn't because we were mainly focused about what's happened here.

Duane

It's typically included in most of the franchise out there now.

Eric

The key here is the local overrides that exist today would only have come into being from prior franchise agreements that were negotiated before. This also speaks to the inherent value of that process.

E. Other issues that may arise

Matt

Legal needs to look at IC 8-1-34-29 it deals with institutional networks. What a lot of communities negotiated into their franchise agreements including us was a requirement that the cable company provide at least a basic level of service to government building and schools. The state law says they only have to do that for a period of time. That requirement expires at the end of this year, unless the local community request that it continue. To me, you would want to get that taken care of before December 31st.

Carl

Who do we request that of?

Matt

I think your video service provider. Essentially, the local community says we want that cable stuff that we had under the old franchise. Then all the video service providers in that unit, will pro-rate the cost of that, and spread it amongst the providers. It's a fairness issue.

Suzann

Who will do this?

Carl

I want to make this proposal, and see how everyone reacts to it. Justin we need as soon as possible a transcript of tonight's meeting. We then share that with everyone in attendance tonight, and try to build from that a community of people into sub-committee's to address 2 or 3 issues we have outlined as being critical to what we want to take to the legislature and the IURC. If we have a

record before the next meeting, we can come to the next meeting prepared to make suggestions as to how to move forward. Does that seem like a fair approach to what we can do out of tonight?

Duane

I motion we get a good transcript of the meeting to all participants.

Jesse

I second the motion.

Iris

We need to find a way to include Ellettsville in this. We need to work collectively together to get something done.

Suzann

Iris is Smithville providing any video service

Iris

I don't think so, but they are on the verge of doing so.

Eric

Do we know if they have applied for a video certificate?

Duane

They would have to go thru the IURC.

Phil Mayer

WTIU did receive a letter from Smithville stating their intent to carry WTIU on their video service. No timeline.

Carl

All those in favor, motioned passed.

Duane

Regarding ATT, we have the receipts from franchises for both ATT & Comcast. Looking at numbers for the first quarter, ATT seems to have approximately 800 subscribers, and that ATT would recognize carrying the PEG channels is good business for the community.

Suzann

Our franchise fee income has almost double at each interval which indicates that they are doubling their subscribers.

Iris

I think it is sad that we are seeing Speedway and Carmel public meetings other than our own.

VII. Adjournment

Carl

We are adjourned.

Next Meeting:

Thursday, November 6th
(Change in day due to the election)
Common Council Chambers in City Hall at the Showers Building
401 N. Morton ST.

Submitted by:
Stephanie Jachim
10-16-08